The article was alleged to be misbranded in that the combination of letters "Axine," imprinted on each plate, was false and misleading since by reason of a leaflet entitled "Health Without Medicine," which accompanied each pair of plates, it indicated to purchasers that wearing of these plates would bridle and force human electricity to rid the blood of uric acid, thereby constituting an effective and appropriate treatment for high blood pressure, low blood pressure, headache, asthma, paralysis, kidney trouble, rheumatism, diabetes, eczema, cold hands and feet, poor circulation, indigestion, hardening of the arteries, enlargement of the heart, blood clots on the brain, and excessive coughing, and that it would usually relieve said troubles within 30 days, and that it would be effective to enable one to feel young again and to relieve prostate gland involvement; whereas the article would not be efficacious for such purposes.

Between January 17 and April 26, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

518. Misbranding of Magnetic Ray appliances. U. S. v. 6 Magnetic Ray Appliances. Default decree of condemnation and destruction. (F. D. C. No. 1937. Sample No. 9493–E.)

This product consisted of a coil made in the form of a belt to which was fastened a wire to be connected with an ordinary lighting current. When so connected it would produce a magnetic field.

On May 11, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 6 Magnetic Ray appliances at Baton Rouge, La., alleging that the article had been shipped on or about May 1, 1940, by the Magnetic Ray Co. from Dallas, Tex.; and charging that it was misbranded.

It was alleged to be misbranded in that representations in the labeling that it would be efficacious in the treatment of asthma, arthritis, anemia, Bright's disease, bladder trouble. bronchitis, colds, constipation, catarrh, catarrhal deafness, diabetes, deafness, eczema, epilepsy, goiter, hay fever, hemorrhoids, heart diseases, headache, high blood pressure, indigestion, insomnia, impotence, low blood pressure, lumbago, menstrual trouble, neuralgia, neuritis, nervous trouble, obesity, paralysis, pelvic disorders, prostate troubles, rheumatism, sciatica, sinus trouble, tuberculosis, tumors, ulcers and varicose veins; that it would be efficacious in the prevention of disease; that it would increase elimination, promote sound and refreshing sleep, relieve pain, produce relaxation, remove causes which might lead to surgical operations, stimulate various glands and organs, increase physical and mental efficiency, clear the complexion, cause the absorption of growths and deposits, such as tumors, goiter and blood clots; and that it would favorably affect circulation, elimination, digestion, nutrition and metabolism, were false and misleading since it would not be efficacious for such purposes.

On December 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

519. Misbranding of Electreat Mechanical Heart. U. S. v. 5 Electreat Mechanical Hearts (and 6 other seizure actions against Electreat Mechanical Hearts). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond for relabeling. (F. D. C. Nos. 3994, 4005, 4072, 4078, 4079, 4092, 4370. Sample Nos. 5184–E, 32992–E, 32996–E, 35734–E, 40322–E, 50516–E, 60574–E.)

The labeling of this device, which consisted of flashlight batteries, a small electrical coil equipped with a buzzer and attachments for applying electricity to various parts of the body, bore false and misleading representations regarding its curative and therapeutic properties.

Between March 15 and April 16, 1941, the United States attorneys for the Eastern District of Pennsylvania, the District of Columbia, Southern District of California, Northern District of Ohio, and the District of Idaho filed libels against 5 of the above-named devices at Bristol, Pa.; 3 at Washington, D. C.; 13 at Pasadena, Calif.; 6 at Lima, Ohio; 11 at Boise, Idaho, alleging that the article had been shipped in interstate commerce within the period from on or about February 5 to on or about March 14, 1941, by the Electreat Manufacturing Co. from Peoria, Ill. On March 29, 1941, the United States attorney for the Northern District of Texas filed a libel against 27 of the said devices at San Angelo, Tex., which had been shipped by the Electreat Manufacturing Co. from Peoria, Ill., on or about March 14, 1941.

The article was alleged to be misbranded in that the following statements in the labeling, (molded into the device) "Electreat * * * Relieves Pain," (paper disk attached to portion) "Electreat * * * Mechanical Heart," (cartons of portion) "Elec-Treat Mechanical Heart * * * For Relief of Pain and

Muscular Soreness," (massage attachment) "Electreat * * * Relieves Pain," were false and misleading in that the said statements represented that the device would be efficacious for the purposes recommended; whereas it would not be efficacious for such purposes.

On April 4, 17, and 28, and May 7 and 17, 1941, no claimant having appeared for the lots seized at Bristol, Pa.; Washington, D. C.; San Angelo, Tex.; Lima, Ohio; and Boise, Idaho, judgments of condemnation were entered and the product was ordered destroyed.

On September 13, 1941, Mrs. E. C. Jones, claimant for the lot seized at Pasadena, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. This lot was relabeled.

DRUGS ALSO FAILING TO BEAR THE REQUIRED INGREDIENT STATEMENT [4]

520. Misbranding of Sto-Bo-Ki and McClintock's Formula for Diabetes. U. S. v. Robert McClintock. Plea of guilty. Fine, $120; sentence of 1 year and 1 day's imprisonment. Sentence suspended and defendant placed on probation for 3 years. (F. D. C. No. 2884. Sample Nos. 4197-E, 16805-E.)

On December 31, 1940, the United States attorney for the Eastern District of Michigan filed an information against Robert McClintock, Ann Arbor, Mich., alleging shipment from the State of Michigan on or about March 21 and May 24, 1940, into the States of Illinois and Kansas of a quantity of Sto-Bo-Ki and McClintock's Formula for Diabetes that were misbranded.

Analyses of samples of the articles showed that Sto-Bo-Ki consisted essentially of sulfuric acid, alcohol (77.5 percent by volume), and water flavored with aromatics; and that McClintock's Formula for Diabetes consisted essentially of sulfuric acid, alcohol (75.05 percent by volume), and water flavored with cinnamon oil.

Sto-Bo-Ki was alleged to be misbranded in that the statements "The Digestive Remedy * * * Use it only until ailment ceases" were false and misleading since it was not efficacious as a digestive remedy and its use would not cause cessation of digestive ailments.

McClintock's Formula for Diabetes was alleged to be misbranded in that the statement "Formula for Diabetes," borne on the bottle label, was false and misleading since it was not efficacious as a treatment for diabetes.

Both products were alleged to be misbranded further (1) in that the statement (bottle label) "Reg. With U. S. Food and Drug Administration" was false and misleading since they were not registered with the United States Food and Drug Administration; and (2) in that they were fabricated from two or more ingredients and their labels did not bear the common or usual name of the active ingredient, sulfuric acid, nor the quantity, kind, and proportion of alcohol that they contained.

On May 16, 1941, a plea of guilty was entered by the defendant and the court imposed a fine of $120 and a jail sentence of 1 year and 1 day. The jail sentence was suspended and the defendant was placed on probation for 3 years.

521. Adulteration and misbranding of Dr. Senftner's Glucocinine. U. S. v. 27 Boxes and 12 Boxes of Dr. Senftner's Glucocinine. Default decree of condemnation ordering product delivered to Food and Drug Administration for technical use. (F. D. C. No. 4009. Sample Nos. 31575-E, 31576-E.)

On March 21, 1941, the United States attorney for the Eastern District of Michigan filed a libel against the above-named product at Detroit, Mich., alleging that it had been shipped by the Glucocinine Co. of America from Richmond Hill, N. Y., on or about January 20 and 30, 1941; and charging that it was adulterated and misbranded.

Annalysis of a sample of the article showed that it consisted essentially of powdered plant tissues including potato strach.

It was alleged to be adulterated in that its strength differed from, or its purity or quality fell below, that which it purported or was represented to possess, namely: (Carton label) "Ingredients—Plant Insulin substances," (circular entitled "Glucocinine") "(Vegetable Insulin)" and "(Plant Insulin)," and (circular entitled "Glucocinine in Diabetes Mellitus") "Glucocinines are extracted by a special process. The resulting preparation is * * * free from carbohydrates."

[4] Except Nos. 534 and 536. See also Nos. 429, 430, 433-437, 439, 440, 442-444, 446, 450-453, 485.